

**IN THE UNITED STATES DISTRICT COURT FOR THE  
SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION**

RENEE JERFFERSON-SMITH  
a/k/a RENESHA R. JEFFERSON;  
RENESHA R. STONEHAM;  
RENESHA PATTERSON  
Plaintiff,

V.

CITY OF HOUSTON, TEXAS;  
HARRIS COUNTY, TEXAS;  
CYNTHIA K. BAILEY;  
AND DIANE TRAUTMAN  
Defendants.

Civil Action No. 4:19-CV-4482

## **DEFENDANT CYNTHIA K. BAILEY'S NOTICE OF REMOVAL**

Defendant files this notice of removal under 28. U.S.C. § 1446(a).

## A. INTRODUCTION

1. Plaintiff is Renee Jefferson-Smith a/k/a Renesha R. Jefferson; Renesha R. Stoneham; Renesha Patterson;
2. Defendants are City of Houston, Texas; Harris County, Texas; Cynthia K. Bailey; and Diane Trautman.
3. On November 7, 2019 Plaintiff filed her Original Suit for Declaratory Judgment to have Defendant Cynthia K. Bailey removed from the upcoming election ballot on December 14, 2019.
4. Defendant was served with the suit on November 11, 2019 at approximately 8:30 p.m. Although the case was not removed when originally filed, it became removable on October 13, 2019, because of an amended pleading. 28 U.S.C. §1446(b)(3); *see Mumfrey v. CVS Pharm., Inc.*, 719 F.3d 392, 397-98 (5th Cir. 2013). Defendant files this notice of removal within 30 days after receiving the amended pleading.

5. Removal is proper because plaintiff's suit involves a federal question. 28 U.S.C. §§1331, 1441 (a); *Grable & Sons Metal Prods., Inc. v. Darue Eng'g & Mfg.*, 545 U.S. 308, 312 (2005); *Broader v. Cablevision Sys.Corp.*, 418 F.3d 187, 194 (2<sup>nd</sup> Cir. 2005); *Peters v. Union Pac. R.R.*, 80 F.3d 257, 260 (8<sup>th</sup> Cir. 1996). Specifically, plaintiff's claim arises under state law but the resolution of the case necessarily depends on a substantial question of federal law. *Dixon v. Coburg Dairy, Inc.*, 369 F.3d 811, 816 (4<sup>th</sup> Cir.2004); *see Franchise Tax. Bd. V Construction Laborers Vacation Trust*, 463 U.S. 1, 9 (1983). Plaintiff is asking a State Court to void the will of the voters whom cast their votes for Defendant Cynthia Bailey. This request would involve the Court resolving the issue of the First Amendment rights to free speech of the Voters and Defendant Cynthia Bailey in light of various local and state rules or regulations.
6. Consent of Defendant City of Houston, Texas, Defendant Harris County, Texas, and Defendant Diane Trautman is not necessary because the lawsuit involves a federal-question claim and a nonremovable claim, and the federal-question claim is not asserted against City of Houston, Texas, Harris County, Texas, and Defendant Diane Trautman.
7. Copies of all pleadings, process, orders, and other filings in the state-court suit are attached to this notice as required by 28 U.S.C. §1446(a).
8. Venue is proper in this district under 28 U.S.C. §1441(a) because the state court where the suit has been pending is located in this district.
9. Defendant will promptly file a copy of this notice of removal with the clerk of the state court where the suit has ben pending.

**B. JURY DEMAND**

10. Plaintiff did not demand jury in state-court suit.

**C. CONCLUSION**

11. The Federal Court must decide if a private citizen can seek government intervention to void the voters First Amendment right to speech given the fact that the voters exercised their right to free speech to nominate candidate Cynthia K. Bailey. For these reasons, defendant asks the Court to remove the suit to the United States District Court Southern District of Texas Houston Division.

Respectfully submitted,

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